



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, August 25, 2015 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:02 p.m. with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilwoman Candy Arrington, Councilman Todd Wintters, Councilwoman Diane Culver, Councilman William Whitney III, and Councilman David Dahl.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Fire Chief, Brent Parker; Development Services Director, Renae Ollie; Finance Director, Linda Bantz; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor pro tem Stephens gave the invocation and Councilwoman Culver led the Pledge of Allegiance.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Mayor Hogue called on Eddie Cortez after completion of the regular agenda. Mr. Cortez, General Manager of The Rock, addressed Council requesting City Council consider an ordinance allowing for late hours alcohol sales with food permit (12:00 – 2:00 a.m.).

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of the Minutes of August 11, 2015 Regular Meeting of the Wylie City Council. (C. Ehrlich, City Secretary)

- B. Consider, and act upon, Ordinance No. 2015-27 amending exhibit "A" of the Ordinance No. 2010-08 and Section IX (Parks and Recreation) of Appendix C (Wylie Comprehensive Fee Schedule) of the Wylie Code of Ordinances, Ordinance No. 2005-07, to clarify and modify certain fees and rules applicable to the Wylie Recreation Center: Providing a penalty clause, savings/repealing clause, severability clause and effective date; and providing for the publication of the caption hereof. *(R. Diaz, Parks and Recreation Superintendent)*
- C. Consider, and act upon, the Monthly Revenue and Expense Report for the Wylie Economic Development Corporation as of July 31, 2015. *(S. Satterwhite, WEDC Director)*
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for July 31, 2015. *(L. Bantz, Finance Director)*
- E. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for July 31, 2015. *(L. Bantz, Finance Director)*

Council Action

A motion was made by Councilman Wintters, seconded by Councilwoman Culver to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

Tabled Item from 08-11-2015

Remove from the Table and Consider:

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Wintters to remove Item #1 from the table and consider. A vote was taken and the motion passed 7-0.

1. Consider, and act upon, Resolution No. 2015-18(R) authorizing and approving a certain amended Certificate of Corporate Resolution 2015-01(R) adopted by the Board of Directors of the Wylie Economic Development Corporation authorizing one or more loans in the aggregate amount of \$387,317.13 from The American National Bank of Texas and pledging the ½ cent sales tax for economic development as collateral to secure the repayment of said loan(s). *(S. Satterwhite, WEDC Director)*

Staff Comments

Wylie Economic Development Executive Director Satterwhite addressed Council stating the WEDC Board of Directors approved an amended Resolution on August 19, 2015 which authorizes the borrowing of \$387,317.13 from The American National Bank of Texas and the pledging of the WEDC ½ cent sales tax for economic development as collateral for the repayment of the same. \$185,000 of the total loan amount will be utilized to purchase a property from Cora Jones upon which K&M Automotive is currently doing business. The balance of \$202,317.13 will be used to refinance an existing note held by an individual from whom the EDC purchased a property on Commerce Street in Wylie with the new rate being 1% lower than the existing rate.

Council Action

A motion was made by Councilwoman Culver, seconded by Councilman Dahl to approve Resolution No. 2015-18(R) authorizing and approving a certain amended Certificate of Corporate Resolution 2015-01(R) adopted by the Board of Directors of the Wylie Economic Development Corporation authorizing one or more loans in the aggregate amount of \$387,317.13 from The American National Bank of Texas and pledging the ½ cent sales tax for economic development as collateral to secure the repayment of said loan(s). A vote was taken and the motion passed 7-0.

Tabled Item from 08-11-2015

Remove from the Table and Consider:

Council Action

A motion was made by Councilwoman Culver, seconded by Councilman Wintters to remove Item #2 from the table and consider. A vote was taken and the motion passed 7-0.

2. **Hold a Public Hearing and consider, and act upon, a change in zoning from Agricultural-30 (AG/30) to Planned Development-Single-Family (PD-SF), to allow for residential uses of varied densities on approximately 45 acres, generally located west of E. Stone Road and approximately 2,100 feet south of Brown Street. ZC 2015-08 (R. Ollie, Development Services Director)**

Staff Comments

Development Services Director Ollie addressed Council stating that the applicant is requesting to establish permanent zoning on approximately 45 acres of land annexed into the City in April 2014.

The revised conditions of the Planned Development included lot sizes of 7,200 s.f. with an average lot size of 8,000 s.f., with 60' widths. Lots to the east of the open space/park area will have an average lot size of 8,090 s.f. Lots to the west of the open space/park area will have an average lot size of 10,105 s.f. Dwelling sizes range from a minimum of 2,000 s.f. to 2,400 s.f. or greater, with 30% being 2,000 s.f. and the balance being 2,400 s.f. or greater. Ollie reported the maximum number of lots would not exceed 160 lots.

Ollie explained the item was taken back to the Parks Board per Council request. The board recommends approval of the combination of parkland dedication and fees. The developer is proposing to install \$215,020 worth of park improvements plus contingency of \$21,502 for a total of \$236,522. The Board clarified that this amount is for parkland improvements only. The combination of parkland and improvements meets the parkland requirements. Ollie reported the Parks Board recommends 6-0 for approval. The Planning and Zoning Commission recommends 6-0 for approval.

Council Discussion

Fred Phillips, applicant, corrected the average lot size to be 8,500 s.f. Councilwoman Culver stated concerns with the existence of 7,200 s.f. lots after Council discussion. She stated that her understanding was that those lot sizes would be increased. Councilman Dahl stated he wished to insure the retention of the many large trees on the property. Mayor pro tem Stephens asked how many of the lots in this development would be 7,200 s.f. Mr. Phillips replied a total of 80 lots would be 7,200 s.f. Mayor Hogue asked how many total lots were in the development. Mr. Phillips replied 154. Mayor Hogue noted 80 smaller lots was 58% of the total lots.

Councilwoman Arrington stated her importance was the quality of homes built and preserving trees on the property. Councilman Dahl stated he had no problem with the lot size; the only affect was a slightly less side yard. Councilman Wintters concurred. Councilwoman Culver stated she had concerns with the high percentage of 7,200 s.f. lots. Mayor pro tem Stephens concurred.

Councilman Dahl asked the applicant if there would be a compromise for the smaller lots. Mr. Phillips replied he would be able to reduce the 7,200 s.f. lot size to 25% (maximum of 38 lots). Mayor Hogue asked if the reduction in small lots could be made on the west side of the park where the larger lots were located. Mr. Phillips replied that would be the area he would start removing small lots.

Public Hearing

Mayor Hogue opened the public hearing at 6:35 p.m. asking anyone present wishing to address Council to come forward.

Chad and Bethany Packard, residence in the area, addressed Council with concerns regarding the tree lines separating their home and the new development. They requested the trees along the southern border be retained and that one level homes be built adjacent to their property. Mayor Hogue advised them to speak with the developer regarding the tree retention and construction issues.

Rick White, also a resident in the area, spoke in favor of the development.

Robert Kreymer, owner of the property, addressed Council stating that he had every intention of using a 16 acre parcel near the new development to create a senior living cottage development with assisted living available.

Mayor Hogue closed the public hearing at 6:45 p.m.

Council Action

A motion was made by Councilman Wintters, seconded by Councilman Dahl to approve a change in zoning from Agricultural-30 (AG/30) to Planned Development-Single-Family (PD-SF), to allow for residential uses of varied densities on approximately 45 acres, generally located west of E. Stone Road and approximately 2,100 feet south of Brown Street. ZC 2015-08 with the following provisions: the minimum lot size of 7,200 s.f. is capped at 25% or 38 lots and the remaining 75% of the lots must be a minimum of 8,000 s.f. or greater. A vote was taken and the motion passed 7-0.

3. **Hold a Public Hearing on the fiscal year 2015-2016 Proposed Budget and provide all interested persons an opportunity to be heard, either for or against any item in the proposed budget; and set and announce the date, time and place of the meeting at which Council will vote on the final proposed budget.** *(L. Bantz, Finance Director)*

Staff Comments

Finance Director Bantz addressed Council stating that a Public Hearing is required to be held on the fiscal year 2015-2016 Proposed Budget. In addition the date, time, and place that the vote will be taken on the final budget must also be scheduled. Any changes made to the proposed tax rate or Proposed Budget could affect required publications and steps in the tax rate and budget approval process.

Public Hearing

Mayor Hogue opened the public hearing on the proposed budget at 7:10 p.m. asking anyone present wishing to address Council on this item to come forward.

No one was present wishing to address Council.

Mayor Hogue closed the public hearing at 7:11 p.m.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney to set September 8, 2015 at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, TX as the date, time, and place at which Council will vote on the final budget. A vote was taken and the motion passed 7-0.

4. **Hold a Public Hearing on the proposed tax rate of \$0.8689 for fiscal year 2015-2016 and provide all interested persons an opportunity to be heard, either for or against the proposed tax rate; and announce the date, time and place of the meeting at which the Council will vote on the tax rate. (*L. Bantz, Finance Director*)**

Staff Comments

Finance Director Bantz addressed Council stating that in accordance with the "Truth in Taxation" laws of the State of Texas, on August 11, 2015, the City Council voted on the proposed tax rate and scheduled two public hearings on the proposed tax rate. The first public hearing is to be held on August 25, 2015 and the second public hearing is scheduled for September 1, 2015. The proposed 2015-16 budget is based on a tax rate of \$0.8689 per \$100 valuation. Any changes made to the proposed tax rate or Proposed Budget could affect required publications and steps in the tax rate and budget approval process.

Public Hearing

Mayor Hogue opened the public hearing on the proposed tax rate at 7:12 p.m. asking anyone present wishing to address Council on this item to come forward.

No one was present wishing to address Council.

Mayor Hogue closed the public hearing at 7:13 p.m.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to set September 8, 2015 at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, TX as the date, time, and place at which Council will vote on the final tax rate. A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Ehrlich read the caption to Ordinance No. 2015-27 into the official record.

Mayor Hogue convened into Executive Session at 7:20 p.m. reading the captions below.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

- Discussion regarding property generally located near the intersection of Country Club and Brown St.
- Discussion of the sale/acquisition of properties by the Wylie EDC located near the intersection of Cooper Drive & State Highway 78 and Commerce Street & Business Way.

§§Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING. This chapter does not require a governmental body to conduct an open meeting:

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- Discussion regarding a Performance Agreement between the Wylie EDC and Project 2015-2a.

Mayor Hogue reconvened into Open Session at 7:45 p.m.

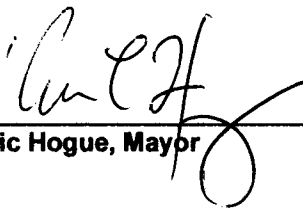
RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

There was no Council action taken as a result of Executive Session.

ADJOURNMENT

A motion was made by Councilwoman Culver, seconded by Councilman Whitney to adjourn the meeting at 7:46. p.m. A vote was taken and the motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

